

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD HANSERD,

Plaintiff,

Criminal No. 90-80594

vs.

HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO CORRECT  
RECORD [DOCUMENT NO. 744] AND WITHDRAWING ORDER  
DENYING CERTIFICATE OF APPEALABILITY [DOCUMENT NO. 733]

Plaintiff has filed a motion under Federal Rule of Criminal Procedure 36 to correct the docket record in this case. The court has reviewed defendant's motion, which was filed in an effort to remove an obstacle in defendant's pursuit of an appeal of this court's denial of his Rule 60(b)(6) motion on July 29, 2004. For the following reasons, defendant's motion is granted.

Defendant filed an appeal of the court's denial of his Rule 60(b)(6) motion on November 9, 2004, which was incorrectly tied to closed case number 03-74738. That case had been closed because it was mistakenly opened by the clerk's office as a motion under 28 U.S.C. § 2255. The court then issued an order denying certificate of appealability for the § 2255 case, which has resulted in defendant's inability to appeal the denial of his Rule 60(b)(6) motion. Defendant requests that the court withdraw its order denying certificate of appealability so that he may proceed with his appeal. The court concurs with defendant's request and hereby withdraws its order denying

certificate of appealability [document no. 733].

It is so ordered.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: June 6, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on June 6, 2005, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Secretary/Deputy Clerk